

the country, attracting capital investment and interest from around the globe and we are proud to have Evergreen be a part of our community. We are appreciative of the commitment Evergreen has made to our area and look forward to continued success together.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

#### MIDDLE EAST PEACE FACILITATION ACT

Mr. PELL. Mr. President, I am informed that there will be a Republican objection to the unanimous-consent request regarding the short-term extension of the Middle East Peace Facilitation Act, also known as MEPFA.

MEPFA was enacted by the Congress in 1994, to give the President much-needed flexibility to help Israel and the Palestinians implement their historic peace treaty. Under the terms of MEPFA, the President can waive certain restrictions against the PLO. In essence, this means the President can provide assistance to the Palestinians, and the PLO can operate an office in the United States.

MEPFA is a vital component of American support for the peace process—both practically and symbolically. On a practical level, U.S. assistance for the Palestinians has helped the fledgling Palestinian Authority to get off the dime and provide desperately needed services to the people of the West Bank and Gaza. Both Israeli and Palestinian officials agree that if their peace agreement is to succeed, there must be a dramatic improvement in the everyday lives of the Palestinian people. They must be aware of the fruits of peace.

U.S. assistance, much of which is channeled through the World Bank's fund for the Palestinians, has helped the donor community secure additional funding from other sources. With the United States leading by example, other nations have come forth with significant donations to help the Palestinians.

The United States has also used MEPFA to influence the Palestinian leadership to move in certain directions. MEPFA guarantees that our aid be transferred only if the Palestinians are complying with the letter and spirit of their peace agreements with Israel. Using our assistance as leverage, the United States has been able to ensure that the Palestinians stand by their word on critical issues such as preventing terrorism against Israel.

Israel's leaders have said that the Palestinians are doing much better when it comes to preventing terrorism, a fact which United States officials confirm. And that, in my view, is the bottom line for the success of the Israel-PLO peace treaty. If the PLO prevents acts of terrorism, then Israelis will feel more secure, more comfortable with the peace agreement.

Only then will Israelis and Palestinians establish a truly lasting peace.

On a symbolic level, MEPFA is a very powerful instrument. MEPFA symbolizes the U.S. commitment to be the honest broker of the peace process. MEPFA is a signal to the Palestinians—and indeed to the rest of the world—that the United States is willing to suspend its laws against the PLO to give peace a real chance. In a certain sense, it resembles the dictum put forth during the Reagan administration regarding the former Soviet Union—"trust, but verify." In effect, we have said to the Palestinians we will trust them to fulfill their agreements, and that they will receive our blessing as long as they remain faithful.

The objection lodged earlier today puts all of that at risk. Our Republican colleagues are endangering the Middle East peace process by refusing to allow a brief, short-term extension of current laws. At a time when our traditional ally, Israel, is taking enormous risks for peace, the objection sends just the wrong signal. The objection says that some of us are unwilling to support our best friend in the Middle East, at the very time it needs us the most.

It is even more perplexing to realize that the Senate has already debated, and for all intents and purposes, resolved the substance of this issue. The Senate passed a long-term extension of MEPFA as part of the foreign operations bill, and this short-term extension is only necessary to get us to the point where the foreign ops bill becomes law.

Under these circumstances, it's hard to imagine that the objection raised goes directly to the merits of the bill. I would hope that the points I have made would help to convince my colleagues of the importance of acting on this measure today, and if possible, immediately.

It troubles me that there is a willingness among some of my colleagues to jeopardize the Middle East peace process. I would hope on an issue of such critical importance to our Nation's security, we could put aside differences and deal directly with the matter at hand.

I am very concerned that we are running out of time—MEPFA expires at midnight tonight, and the House could go into recess early this evening. I hope very much that we can resolve this issue quickly, but if we cannot, there should be no doubt about the consequences and about where the responsibility lies. I am ready to pass this short-term extension here and now, and in all sincerity, I would ask anyone with an objection to come to the floor so that we might reach an agreement.

#### THE INTERNATIONAL WAR CRIMES TRIBUNAL FOR THE FORMER YUGOSLAVIA

Mr. PELL. Mr. President, today I wish to address an issue which holds

great significance for the international world order. The subject is the International War Crimes Tribunal for the former Yugoslavia, a body which can contribute greatly to the reconciliation of the parties to this brutal conflict. As a guarantor of respect for the rule of law and for the protection of human rights, this tribunal supports the principles upon which any lasting peace must be founded. As the peace negotiations among the Bosnian Serbs, Croats, and Moslems begin tomorrow in Dayton, OH, today is an opportune time to reaffirm that the work of the tribunal is a separate but equally important step in the effort to rebuild civil society in the region. No matter the outcome of this round of negotiations, the work of the War Crimes Tribunal must go forward with strong U.S. support.

Mr. President, over the last few days, we have been horrified by a series of front page stories and photos of the terrible atrocities that have occurred in Bosnia. These press reports indicate that United States intelligence has been instrumental in locating mass graves in Bosnia. Those revelations, when paired with refugee accounts of the terrifying trek from Srebrenica to Central Bosnia, suggest that hundreds, perhaps thousands, of Moslem men and boys were murdered by the Bosnian Serbs. The United States should place a high priority on collecting information related to these atrocities and on making all evidence available to the War Crimes Tribunal. Just as the tribunals at Nuremberg punished the aggressors and facilitated the reconciliation efforts after World War II, so too must this War Crimes Tribunal redress the horrors that have occurred in Bosnia. I am proud to say that my father, the late Herbert C. Pell, a former Congressman from New York City, was President Franklin Roosevelt's representative on the U.N. War Crimes Commission that laid the groundwork for the establishment of the Nuremberg tribunal. Today, we must support this new tribunal to ensure that the injustices of the war in Bosnia are corrected.

The objectives of the tribunal are threefold: To deter further crimes by the war parties, to punish those responsible for war crimes, and to ensure justice during and after the process of reconciliation and reconstruction of Bosnia. Through the public identification, trial, and conviction of war criminals, the international community hopes to contribute to the peace process by demonstrating the strength and effectiveness of international human rights law. The U.N. Security Council created the tribunal in May of 1993, and the court convened for the first time in November of that year. Yet the progress of the tribunal has been slow.

While 42 Serbs and one Croat have been indicated by the tribunal, only one person is actually in custody. The difficulties of taking defendants into custody are manifold, but this is not the only reason for the lack of progress.

The biggest obstacle facing the tribunal is funding. Recently, Secretary-General Boutros Boutros-Ghali placed restrictions on the work of many U.N. agencies—including the tribunal—to avoid a financial crisis in the United Nations. These fiscal restraints have seriously affected the tribunal by freezing the revenues needed to fund its work. Unfortunately, much of the responsibility for the U.N.'s debt can be laid at our own door. Throughout my tenure as chairman of the Committee on Foreign Relations, I consistently argued against the mounting American debt to the United Nations that today has reached \$1.2 billion. Today, despite significant efforts on the part of the U.N. Secretariat to meet American demands for reforming its bureaucracy, Congress is again voting for cuts in funding for the United Nations and its agencies.

A serious consequence for the tribunal of this loss of funding is the postponement announced last week of the only trial actually scheduled on the court's docket. Lawyers for Dusan Tadic, who is current the sole defendant in custody at The Hague, have requested and received a postponement of the trial until next year because of a lack of resources needed to prepare an adequate defense. Justice Richard Goldston, the chief prosecutor for the tribunal, has warned that the court will be unable to guarantee the accused's right to a fair and speedy trial without the appropriate resources. In addition, the tribunal has already been unable to send investigators into the field or to recruit lawyers and other personnel. Clearly, under the current financial crisis, the principles of the tribunal could be compromised.

Therefore, Mr. President, I believe that the United States should continue to offer financial and political support for the War Crimes Tribunal for the former Yugoslavia. Last year, I supported Senator LEAHY's amendment to the 1995 foreign operations appropriations bill that offered \$25 million in goods and commodities to the United Nations for its efforts to investigate war crimes. Our contributions have been deeply appreciated and well used by the tribunal in its work. I would urge my colleagues to continue this type of support and demonstrate our firm commitment to international human rights law. As the world waits for the results of the negotiations in Ohio this week, let us remember that the work of the International War Crimes Tribunal is of equal significance in the reconstruction of the State of Bosnia.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BUMPERS. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### THE 1872 MINING LAW

Mr. BUMPERS. Mr. President, I have just come from the second conference committee meeting on Interior appropriations. As you recall, in the first conference committee report there was a provision to take the existing moratorium on mining patents away so that the Bureau of Land Management would start issuing patents again.

Just for background information, the provision last year prevented the Interior Department from accepting new patent applications and prohibited Interior from processing existing applications except those 393 applications which had gotten relatively far in the process.

Today, the conference committee effectively rejected the patent moratorium even though when the original conference committee submitted its report to the House of Representatives, the House voted almost two to one not to accept it and to send it back to the conference committee between the House and the Senate to rework the mining patent provision. Well, they reworked it. They reworked it with Saran Wrap. It is so transparent that it does not even pass the giggle test.

What is so transparent about it? The new conference report says, we will continue the moratorium that we had last year until either: No. 1, the President signs a reconciliation bill that relates—think of it—to patenting and royalties; or No. 2, both the House and the Senate pass another piece of legislation relating to royalties, patenting and reclamation, even if the President vetoes that bill.

Mr. President, royalties, reclamation, and patenting are all in the reconciliation bill. They are scams, but they are in there. And so if the reconciliation bill is signed into law or if Congress includes the same sham provisions on another bill, the moratorium is off. The 233 patent applications that we have told BLM they cannot go forward with will be processed, will ultimately be granted, and the mining companies will receive thousands of acres of land containing billions of dollars worth of gold, silver, platinum and palladium, for which the U.S. Government will not receive one red cent. Let me strike that. They will receive a red cent. The reconciliation bill has a royalty provision. It will provide \$18 million to the Treasury over the next 7 years.

I will let you be the judges, Mr. President and colleagues, is this a scam on the American people or not? Under the reconciliation bill, if these provisions stay, the Government will receive \$18 million in royalties on Federal lands that are mined over the next 7 years. How much do you think the

mining companies are going to take off the land in the next 7 years—Federal lands, patented and unpatented? I will tell you what it is: tens of billions of dollars of gold, silver, platinum, and palladium. And in exchange the taxpayers of this country will receive less than \$5 million per year.

In the 123-year period, since the mining law of 1872 was signed by Ulysses Grant, the mining companies have extracted in today's dollars, according to the Mineral Policy Center, \$241 billion—not million, billion—worth of gold, silver, platinum, palladium, and other hard rock minerals. What has poor old Uncle Sugar, Uncle Sucker gotten for that \$240 billion worth of hard rock minerals? Zip, zero, nothing.

The argument is made that the mining companies create jobs, and they do. So does General Motors; so does RCA; so does General Electric. But we do not build billion-dollar buildings for those people to manufacture in, conditioned on them hiring somebody.

It is the most incredible thing. This is the seventh year I have fought this battle. In 1991, I came close. I came within one vote of stopping this. What do you think happened after that? The number of applicants for patents on lands skyrocketed. It scared the life out of the mining companies. I remember the Stillwater Mining Co., which was owned by a couple of paupers called Manville and Chevron. They applied for their patents on 2,000 acres of land in Montana 4 days after I came within one vote of winning this battle. What do you think there is under the 2,000 acres? There is \$38 billion worth of platinum and palladium. That is their figure, not mine. They are the ones that say it is worth \$38 billion. Two or three years ago representatives of Stillwater came to my office and said their situation was very dicier. "We are just not sure we can open this up. It may not be profitable."

So what happened? Last year Manville bought Chevron's interest in the mine and just recently Manville sold its interest to a group of public investors for \$110 million plus a 5-percent royalty. They can deal with each other and retain overrides of 5 percent. But if you suggest they pay Uncle Sucker 1 percent, the hue and cry goes up in this body as though you have just defamed the Holy Bible.

When I said a moment ago that the provisions in the reconciliation bill were a scam, so transparent they would not even pass the giggle test, there is a provision in the reconciliation bill that is even worse, which says that the mining companies will pay "fair market value."

Now, does that not sound reasonable? You can go home and tell the Chamber of Commerce where they know nothing about this mining legislation, and somebody raises the issue: "But, Senator, how can you vote to give billions